

IN RE: PETITION FOR RESIDENTIAL ZONING VARIANCE
N. R. Illinois Avenue, 300 ft. S. of E. of Reish Street
2910 Illinois Avenue
13th Election District
1st Councilmanic District
David C. Berg, et al.
Petitioners

EVIDENCE OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance, pursuant to Section 22-76(b)(1) of the Baltimore County Code and Sections 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a front yard setback of 19 ft. in lieu of the required 21.4 ft. for an addition, as more particularly described on Petitioner's Exhibit No. 1.

The Petitioners having filed a Petition for a Residential Variance, the subject property, known as 2910 Illinois Ave., improved with a single family home, zoned D.R. 5.5, having been posted and there being no request for a public hearing, this matter is ready for determination. The Petitioners are requesting a variance to permit a front yard setback of 19 feet in lieu of the required 21.4 ft. for an addition to the bedroom and living room.

The Petitioner has filed the supporting affidavits, as required by Section 22-76 (b)(1) of the Baltimore County Code. There is no evidence in the file or record to indicate that the variance would adversely affect the health, safety and/or general welfare of the public and, therefore, the relief should be granted.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 23rd day of May, 1991 that the Petition for a Zoning Variance, pursuant to Section 22-76(b)(1) of the Baltimore County Code and Section 303.1 of the Baltimore County Zoning Regulations (B.C.Z.R.), to permit a front yard setback of 19 ft. in lieu of the required 21.4 ft. for an addition, in accordance with Petitioners' Exhibit No. 1, is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 60 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

2. Upon request and reasonable notice, the Petitioners shall permit a representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner
for Baltimore County

JRH:mmn
cc: Peoples Counsel

ORDER RECEIVED FOR FILING
Date 3/4/91
By [Signature]

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



111 West Chesapeake Avenue
Towson, MD 21204

887-3553

May 23, 1991

Mr. and Mrs. David C. Berg
2910 Illinois Avenue
Baltimore, Maryland 21227

RE: Petition for Residential Zoning Variance
Case No. 91-391-A

Dear Mr. and Mrs. Berg:

Enclosed please find the decision rendered in the above captioned case. The Petition for Residential Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

J. Robert Haines
J. Robert Haines
Zoning Commissioner

JRH:mmn
encl.
cc: Peoples Counsel

AFFIDAVIT

IN SUPPORT OF RESIDENTIAL ZONING VARIANCE

91-391-A

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently or upon settlement will reside at 2910 Illinois Avenue, Baltimore, MD 21227
(Address)

That based upon personal knowledge, the following are the facts upon which I/we base the request for a Residential Zoning Variance at the above address: (indicate hardship or practical difficulty)

Practical difficulty (see attached facts)

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reporting and advertising fee and may be required to provide additional information.

David C. Berg
AFFIANT (Handwritten Signature)

David C. Berg
AFFIANT (Printed Name)

Stefanie R. Berg
AFFIANT (Handwritten Signature)

Stefanie R. Berg
AFFIANT (Printed Name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 3rd day of April, 1991, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

David C. Berg and Stefanie R. Berg

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her knowledge and belief.

AS WITNESS my hand and Notarial Seal.

3 April 1991
DATE

Thomas J. Long
NOTARY PUBLIC

My Commission Expires: Feb. 1, 1995

David C. and Stefanie R. Berg
2910 Illinois Avenue
Baltimore, MD 21227
(800) 676-6133

Practical difficulty:

91-391-A

1 Bedroom and living area are located on the front wall of the house. The bedroom is approximately 117 square feet and is too small to accommodate a bed and furniture with ample room to open doors and walk around the bed. Living room is also too small to accommodate normal use. Closet space is extremely limited. The bedroom closet measures only 24 by 34 inches inside and is the largest of the house's three closets. An addition to the front of the house would provide additional closet space for the bedroom and a closet in the living room near the front entrance of the house as well as more living space for these areas.

2 Current setback would allow us to build out the front only an additional 3.6 feet and this would not be adequate to give reasonable added living and closet space. The applicant believes that a variance for an additional 2.4 feet (equaling a total 6 feet) is reasonable and should be ample. Since it is the bedroom and living room that are too small, adding to the front of the house would be the only way to relieve this problem.

3 The proposed addition would not greatly alter the appearance of the current dwelling line since there is an existing open porch already extending beyond proposed line. Also, the proposed addition would be set back 1.2 feet more than the dwelling immediately to the west (No. 2908) or applicant's dwelling.

ZONING DESCRIPTION

91-391-A

Beginning at a point on the north side of Illinois Avenue which is fifty (50) feet wide at the distance of three hundred (300) feet SE of the centerline of the nearest improved intersecting street, Brian Street which is fifty (50) feet wide. Being Lots #133 and 134, Block C, in the subdivision of Baltimore Highlands as recorded in Baltimore County Plat Book #2, Folio #379, containing 6,250 square feet. Also known as 2910 Illinois Avenue and located in the 13th Election District.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: 13 Date of Posting: 3-27-91
Posted for: 10 days
Petitioner: David C. Berg and Stefanie R. Berg
Location of property: 2910 Illinois Avenue, Baltimore, MD 21227
Location of Sign: at the property
Remarks: See attached facts
Posted by: J. Robert Haines Date of return: 3-27-91
Number of Signs: 1

PETITION FOR RESIDENTIAL VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

91-391-A

The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section 303.1

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reason(s) (Indicate hardship or practical difficulty)

Property is to be advertised and/or posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/We are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City/State/Zip Code

Attorney for Petitioner:

(Type or Print Name)

Signature

Address

Attorney's telephone number

Legal Owner(s):

(Type or Print Name)

Signature

(Type or Print Name)

Signature

Address

City/State/Zip Code

Name, address and phone number of legal owner, contract purchaser or representative to be contacted.

Name

Address

City/State/Zip Code

ORDERED by the Zoning Commissioner of Baltimore County, this 13th day of April, 1991, that the subject matter of this petition be posted on the property on or before the 13th day of April, 1991.

ZONING COMMISSIONER OF BALTIMORE COUNTY

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED, IT IS FURTHER ORDERED by the Zoning Commissioner of Baltimore County, this 13th day of April, 1991, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the property be reposted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 100, County Office Building in Towson, Baltimore County, on the 13th day of April, 1991, at 10:00 o'clock, A.M.

ORDER RECEIVED FOR FILING

to

by

ZONING COMMISSIONER OF BALTIMORE COUNTY

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

Date

Please Make Checks Payable To: Baltimore County

Cashier Validation

Baltimore County
Zoning Commissioner
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

Account: R-001-6150
Number

Date 4-12-91

David C. Berg
Residential Administrative Zoning Variance
2910 Illinois Ave.
Filing fee: (\$75.00)
\$35.00
\$25.00
Total \$60.00

Please Make Checks Payable To: Baltimore County 34049004510404-12-91

Cashier Validation

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

May 2, 1991

Mr. & Mrs. David C. Berg
2910 Illinois Avenue
Baltimore, MD 21227

RE: Item No. 391, Case No. 91-391-A
Petitioner: David C. Berg, et ux
Petition for Residential Variance

Dear Mr. & Mrs. Berg:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE MINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw

Enclosures

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

Your petition has been received and accepted for filing this
24th day of April, 1991.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Received By:

James E. Dyer
Chairman,
Zoning Plans Advisory Committee

Petitioner: David C. Berg, et ux

Petitioner's Attorney:

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines
Zoning Commissioner

DATE: April 24, 1991

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: John Gwiazdowski, Item No. 377
Roland E. Hess, Item No. 356
Richard S. Cook, Item No. 382
Frank Limmer, Item No. 389
David C. Berg, Item No. 391
Marie E. Martin, Item No. 357
Steven G. Hipley, Item No. 374
David G. Rorison, Item No. 376
Timothy C. Seiss, Item No. 378
John Alban, Item No. 383

In reference to the following variance requests, staff offers no comments.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

MULTI.ITM/2AC1

received
4/24/91

Baltimore County Government
Fire Department



700 East Joppa Road, Suite 901
Towson, MD 21204-5500

(301) 887-4500

APRIL 24, 1991

J. Robert Haines
Zoning Commissioner
Office of Planning and Zoning
Baltimore County Office Building
Towson, MD 21204

RE: Property Owner: DAVID C. BERG

Location: #2910 ILLINOIS AVENUE

Item No.: 391 Zoning Agenda: APRIL 23, 1991

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

REVIEWER: *John A. Kelly* Noted and Approved
Planning Group Fire Prevention Bureau
Special Inspection Division

JK/KEK

91-391-A

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Zoning Advisory Committee DATE: April 26, 1991

FROM: Dennis A. Kennedy, P.E.

RE: Zoning Advisory Committee Meeting
for April 23, 1991

The Developers Engineering Division has reviewed the subject zoning items and we have no comments for Items 356, 377, 382, 386, 388, 389, 390 and 391.

For Item 379, this site must be submitted through the minor subdivision process for review and comments.

Dennis A. Kennedy
Dennis A. Kennedy, P.E., Acting Chief,
Developers Engineering Division

DAK:s

received
5/9/91

391 91-391-A

Baltimore County Government
Department of Public Works
Bureau of Traffic Engineering



401 Bosley Avenue Suite 405
Towson, MD 21204

887-3554
Fax 887-5781

May 14, 1991

Mr. J. Robert Haines
Zoning Commissioner
County Office Building
Towson, Maryland 21204

A.Z.C. Meeting Date: April 23, 1991

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 356, 377, 379, 382, 386, 388, 389, 390 and 391.

Very truly yours,

Rahce J. Famili
Rahce J. Famili
Traffic Engineer II

RJF/lab

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



111 West Chesapeake Avenue
Towson, MD 21204

887-3353

April 22, 1991

Mr. & Mrs. David C. Berg
2910 Illinois Avenue
Baltimore, Maryland 21227

Re: CASE NUMBER: 91-391-A
LOCATION: N/S Illinois Avenue, 300' SE of c/l Brigh Street
2910 Illinois Avenue

Dear Petitioner(s):

Please be advised that your Petition for Residential Zoning Variance has been assigned the above case number. Any contact made to this office should reference the case number. This letter also serves as a refresher regarding the administrative process.

1) Your property will be posted on or before May 1, 1991. The last date (closing date) on which a neighbor may file a formal request for hearing is May 16, 1991. Should such request be filed, you will receive notification that the matter will not be handled through the administrative process. This will mean advertising of the public hearing and reposting of the property. The public hearing will be scheduled approximately 30 - 45 days from receipt of said notice. In either case, (a) receipt of notification that you will have a public hearing or, (b) the passing of the closing date, the sign and post can then be removed from the property and returned to this office. Failure to return the sign and post will cause your order to be held and incur a \$50.00 charge. Please be advised that the order will not be available for you to pick-up the day you return the sign.

2) Assuming no neighbor has requested a public hearing, the file now enters the final review stage of the administrative process. The Zoning Commissioner must now decide whether to grant or deny the request. He also has the option to request a public hearing.

3) PLEASE UNDERSTAND THAT ON THE DATE AFTER THE POSTING PERIOD, THE PROCESS IS NOT COMPLETE. THE FILE MUST GO THROUGH FINAL REVIEW AND THE DECISION MAKING PROCESS. WHEN THE ORDER IS READY IT WILL BE FORWARDED TO YOU VIA FIRST CLASS MAIL. ORDERS ARE NOT AVAILABLE FOR DISTRIBUTION PRIOR TO BEING MAILED TO YOU.

Very truly yours,

G. G. Stephens
G. G. Stephens
(301) 887-3391

Plat to accompany Petition for Zoning ☒ Variance ☐ Special Hearing

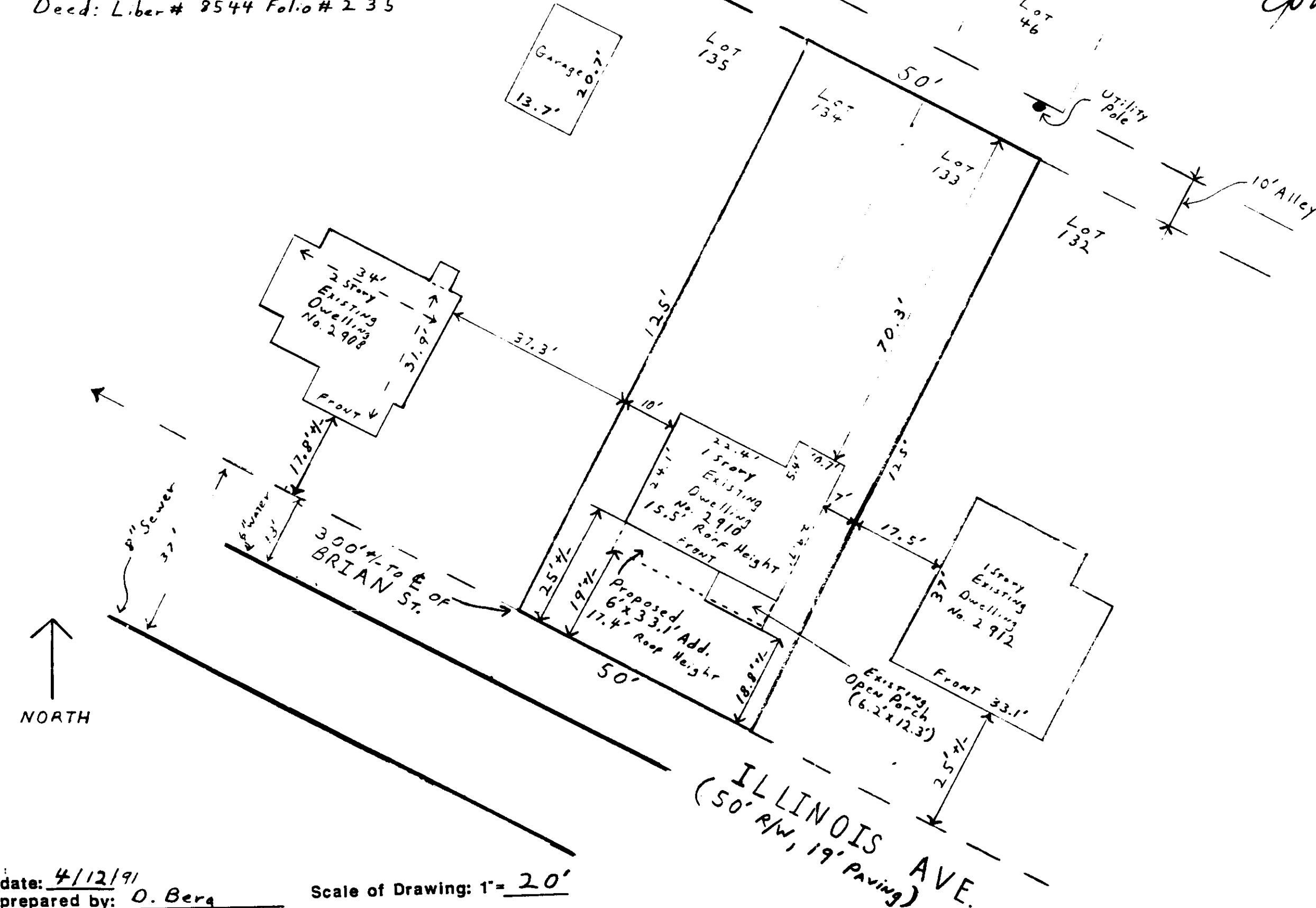
PROPERTY ADDRESS: 2910 Illinois Avenue Baltimore, MD 21216 see pages 5 & 6 of the CHECKLIST for additional required information

Subdivision name: Baltimore Highlands
plat book: 2 folios 379 and 383 sections BLOCK C

OWNER: David C. and Stefanie R. Berg

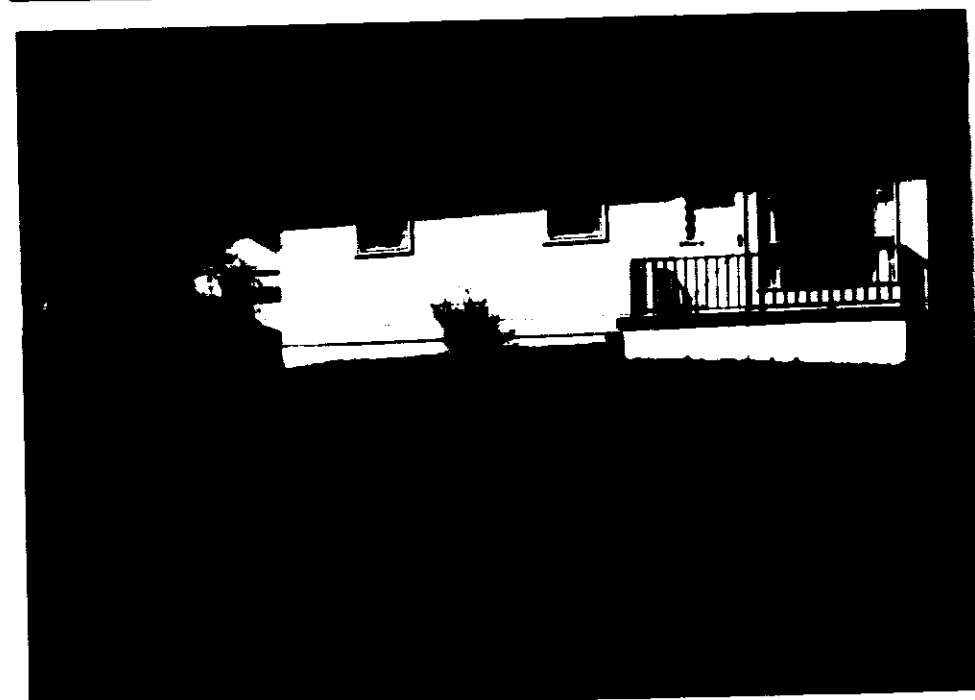
Deed: Liber # 2544 Folio # 235

Petitioner's
Exhibit 1

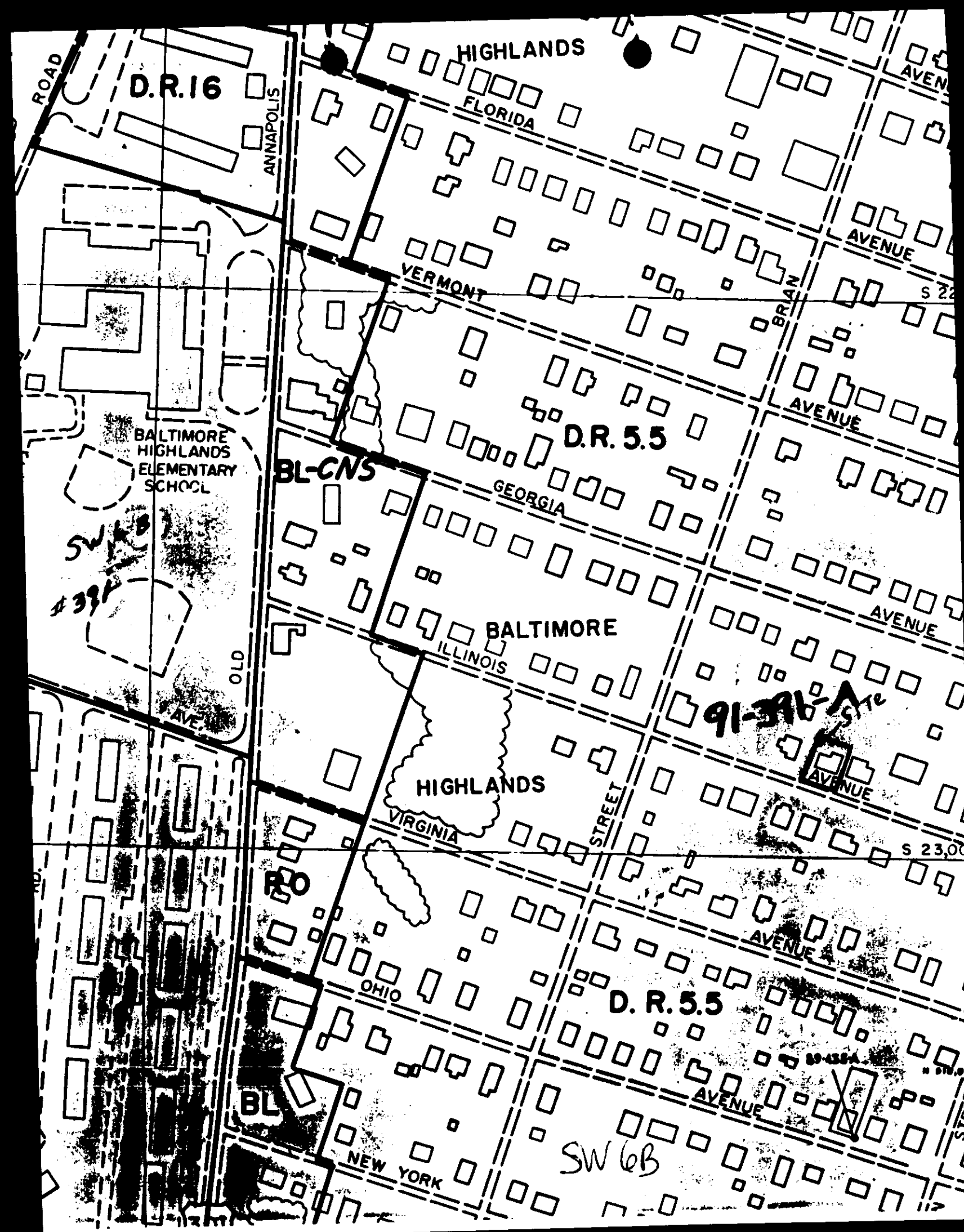


LOCATION INFORMATION	
Councilmanic District:	1
Election District:	13
1"=200' scale map:	SW 68
Zoning:	DR 5.5
Lot size:	0.1435 acreage
	62.50 square feet
SEWER:	<input checked="" type="checkbox"/> EXISTING
WATER:	<input checked="" type="checkbox"/> EXISTING
Chesapeake Bay Critical Area:	<input type="checkbox"/> NONE
Prior Zoning Hearing:	NONE
Zoning Office USE ONLY!	
reviewed by:	ITEM #: CASE#:
	391 91-391-A

CASE NUMBER 91-391-A



PETITIONER'S EXHIBIT # 2



E COUNTY
NING AND ZONING
APHIC MAP

SCALE
1" = 200'

LOCATION
91-391-A
MONUMENTAL
BALTIMORE
HIGHLANDS

DATE
OF
PHOTOGRAPHY
JANUARY
1986

SHEET
SW
6-B